

CHAPTER 3

ARTICLE 10 — CONFLICT OF INTEREST

Revised July 12, 2013

31100.1 Policy

Employees and appointed officials of the Department, California Prison Industry Authority (CALPIA), Prison Industry Board (PIB), Board of Parole Hearings (BPH), and Division of Juvenile Justice shall neither make nor participate in making governmental decisions which may affect their own economic interests.

31100.2 Purpose

This section specifies the requirements and categories for disclosure of economic interests and identifies those positions within the Department, CALPIA, and PIB, which are subject to the disclosure requirements.

31100.3 Responsibility

Incumbents of designated positions, based on the assigned category, shall complete and file with their local personnel office a Statement of Economic Interest, Form 700.

The local personnel office shall forward these forms to the Filing Officer - the Deputy Director, Human Resources (HR).

The Filing Officer or designee shall:

- After retaining a copy, forward the original statements of the following persons to the Fair Political Practices Commission:
- California Department of Corrections and Rehabilitation Secretary.
- Members of boards and commissions, BPH, State Commission of Juvenile Justice, and Juvenile Parole Board.
- PIB members.
- Retain the original statements of all other employees for public inspection.

31100.4 Submittal of Statement of Economic Interest

All incumbents of current designated positions shall file annual statements no later than April 1 each year for the preceding calendar year.

Incumbents of positions which become designated by an amendment of the Conflict of Interest Code shall file initial statements within 30 days after the effective date of the amendment.

Persons who are appointed (from an open or promotional employment list or by transfer, reinstatement, demotion, or any other means) to designated positions shall file assuming office statements as follows:

- Within 30 days of the date of nomination or effective date of appointment if subject to State Senate confirmation; or
- Within 30 days of the effective date of appointment to any other designated position.
- Filing deadlines for filers under active military duty - if a person is under active military duty as defined in the Service Member's Civil Relief Act, the deadline for the annual Form 700 is 30 days following his/her return to office. The individual or his/her representative must notify the filing officer in writing prior to the filing deadline that he/she is subject to the federal statute and is unable to meet the applicable deadline, and provide the filing officer verification of his/her military status.

Leaving Office Statement

Each person who leaves a designated position shall file a leaving office statement within 30 days after leaving.

31100.5 Disqualification

Self-Disqualification

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know

will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

- Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;
- Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;
- Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;
- Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or
- Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$440 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

Exception

No person in a designated position shall be prevented from making or participating in any decision if the participation is legally required for the decision to be made. The fact that the vote of a person who is on a voting body is needed to break a tie does not make the participation legally required for purposes of this section.

31100.6 Manner of Disqualification

In the case of a person who is the head of an agency, this determination and disclosure shall be made in writing to the appointing authority. When a person in a designated position determines that he or she should not make a governmental decision because of an economic interest, the determination not to act shall be accompanied by disclosure of the economic interest.

Head of Agency Board/Commission Members

If the person is a board or commission member, the determination and disclosure shall be entered into the official record at the meeting during which consideration of the decision takes place.

Other Persons

In the case of other persons, this determination and disclosure shall be made in writing to the person's supervisor.

- Upon receipt of the determination and disclosure, the supervisor shall immediately reassign the matter to another person.
- After reassignment of the matter, the supervisor shall forward the determination and disclosure with a notation of the reassignment to the local personnel office for forwarding to the Filing Officer.

31100.7 Revisions

The Deputy Director, HR shall ensure that the content of this section is accurate and current.

31100.8 References

CCR (2) § 18730.

GC § 81000 et. seq.

CCR (15) (7) § 7001